

Docket No.: SGU-0068

DAC  
PATENT #18

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Confirmation No.: 9105

Andrew Peter KNIGHTS et al.

Group Art Unit: Unknown

Serial No.: 10/500,318

Examiner: Unknown

Filed: June 28, 2004

Customer No.: 34610

For: AN IN-LINE LIGHT SENSOR

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RENEWED PETITION UNDER 37 C.F.R. § 1.47(a)

U.S. Patent and Trademark Office  
Customer Window - PETITION  
Randolph Building  
401 Dulany Street  
Alexandria, Virginia 22314

Sir:

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17 AUG 2005  
Legal Staff  
International Division

Further consideration of the Petition to Accept Declaration of an Application Without the Signature of a Refusing Inventor Under 37 C.F.R. § 1.47 and MPEP § 409.03(a) is respectfully requested in view of the attached additional items. Attached hereto are copies of a letter forwarded to the inventor refusing to join in the application, Mr. Adrian P. Vonsovici, dated June 27, 2005, a confirmation from the United Kingdom Post Office confirming delivery of the letter on June 28, 2005 with a signed receipt, and a Supplemental Statement of Facts from Dr. Haydn Jones who forwarded the letter.

1. The background of the facts are listed in a Petition filed on May 9, 2005. The Petition is hereby incorporated by reference.

2. Subsequent to the Petition, the U.S. Patent and Trademark Office issued a Decision on May 27, 2005 indicating that the Petition was dismissed without prejudice because

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the items submitted with the Petition did not sufficiently establish that Mr. Vonsovici refused to sign the application papers. Specifically, it was stated that the electronic mail communication from Mr. Vonsovici dated February 8, 2005 appeared to indicate that Mr. Vonsovici would be willing to sign the papers under certain conditions. Further, it is stated that the electronic mail reply dated February 24, 2005 does not set a response date and does not indicate that a failure to respond, without conditions, by an established date will be treated as a refusal to sign.

3. In denying the Petition, the Decision allowed reconsideration if further evidence of Mr. Vonsovici's refusal to sign is submitted.

4. Therefore, in further evidence of Mr. Vonsovici's refusal to sign and join in the invention, attached hereto is a letter forwarded to Mr. Vonsovici on June 27, 2005, requesting Mr. Vonsovici to review and sign the relevant application papers and assignment, and return them to Dr. Haydn Jones of Bookham Technologies. The letter specifically indicates that Mr. Vonsovici's failure to unconditionally execute and return the signed document within 30 days of receipt of this letter would be understood as an express refusal to join in the above identified U.S. patent application. The 30 days expired on July 28, 2005. To date, no response has been received from Mr. Vonsovici, and according to the letter, Mr. Vonsovici, therefore, refuses to join in the application.

5. Also, attached hereto is a Supplemental Statement of Facts from Dr. Haydn Jones who had forwarded the letter.

**CONCLUSION**

In view of the letter requesting Mr. Vonsovici's cooperation, and Mr. Vonsovici's lack of response, Mr. Vonsovici has expressly refused to join in the application. Therefore, the Petition to Accept Declaration of an Application Without the Signature of a Refusing Inventor Under 37 C.F.R. § 1.47 and MPEP § 409.03(a) originally filed on May 9, 2005 should be granted in view of this further evidence. Favorable decision on the Petition is respectfully requested.

Respectfully submitted,  
FLESHNER & KIM, LLP



John C. Eisenhart  
Registration No. 38,128  
Seth S. Kim  
Registration No. 54,577

Attachments:

June 27, 2005 letter to Mr. Vonsovici  
Confirmation of Delivery from the United Kingdom Post Office  
Signed Receipt  
Supplemental Statement of Facts

P.O. Box 221200  
Chantilly, VA 20153-1200  
703 766 3701 DYK/JCE/SSK:knv  
**Date: AUGUST 10, 2005**

Dr A Vonsovici  
59 Runnymede  
Merton Abbey  
London  
SW19 2PG



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28 JUN 2005

27 June 2005

**BY RECORDED DELIVERY**

Dear Adrian

**US Patent Application Number 10/500,318**  
**In-Line Light Photodiode**  
**Our Ref: P222**

I recall that you worked closely with the IP Department during your time at Bookham and that this time was productive in new inventions.

Since you left the company we have been continuing to try to secure patents for some of the inventions in which you were involved. In this connection I am aware of correspondence between you and my office. In order to secure patent protection for your inventions we would very much appreciate your co-operation as was set out in your contract of employment and, in particular, we would like you to sign certain documents including assignments for the U.S. Patent and Trademark Office.

In connection with the US patent application referenced at the head of this letter, I understand that you have so far not signed these documents and I would like now to assure you that we are acting entirely properly in keeping you informed and requesting your co-operation. I enclose for your review and signature a copy of the application papers (specification, including claims, drawings, declaration and power of attorney (DPOA), and assignment). Kindly execute the DPOA and assignment and return the documents to me. I have included a return self-addressed stamped envelope for your convenience.

I request your unconditional cooperation in executing and returning the DPOA and assignment documents to me as soon as possible. Your failure unconditionally to execute and return the signed documents within thirty (30) days of receipt of this letter will be understood as an express refusal to join the above referenced U.S. patent application.

I look forward to receiving your executed DPOA and assignment.

Thank you.

Yours sincerely

Dr Haydn Jones  
Direct telephone: 01327 356274

Encl.

Date: 30 June 2005  
Your Ref:  
Our Ref: 1-1452269524  
Track Ref: ZH109522789GB

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06 JUN 2005



Mr A Tyers  
Bookham Technology  
Caswell  
TOWCESTER  
NN12 8EQ

Doxford Contact Centre  
2 Admirals Way  
Doxford International  
Business Park  
SUNDERLAND  
SR3 3XW  
Website: [www.royalmail.com](http://www.royalmail.com)  
Telephone: 08457 740 740  
Textphone for the deaf and hard of hearing:  
08456 000 606

Dear Mr Tyers

Thank you for your enquiry received on 29th June 2005 about Special Delivery, reference number ZH109522789GB, addressed to:

A Vonsovici  
59 Runnymede  
LONDON  
SW19 2PG

I can confirm that we delivered this item on 28th June 2005. I am enclosing a photocopy of the signature we obtained on that date.

I hope this helps answer your enquiry. If you have any more questions about this item, please get back in touch quoting our reference number above.

Yours sincerely

*Debra Watson*

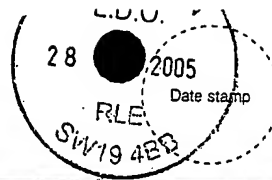
Debra Watson  
Customer Service Advisor

Enclosure: Copy of signature

Affix the item barcode number and enter the time of delivery, or attempted delivery. The recipient must sign and print their name before the item is handed over.

Confirmed on  
track/trace  
PHG initials

IPR



Walk	
ID 0121	Name

Number of items for delivery		Number of items undelivered	
Priority 2	Recorded	Returned	Pouched off

 DP 1055 2278 9GB SD 12 noon	1 Print name A. VONSONW Check time and sign 
 DP 0013 290 25GB SIGNED FOR	2 Print name I HAMSHIRE Check time and sign 
 DP 2470 0720 69B	3 Print name N/A Check time and sign 739 
 DP 0013 290 25GB SIGNED FOR ZU 6941 4830 6GB	4 Print name Sector 5 NA# Check time and sign Sector 2

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SUPPLEMENTAL STATEMENT OF FACTS

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Sir:

1) I, Dr. Haydn Jones, am the director of Intellectual Property at Bookham Technology PLC (hereinafter "Bookham") having an address of Caswell, Towcester, Northamptonshire, NN12 8EQ United Kingdom (formally of 90 Milton Park, Abingdon, Oxfordshire OX14 4RY, United Kingdom).

2) Mr. Adrian P. Vonsovici was an employee of Bookham when he co-invented the subject matter of the above identified application. Subsequently, Mr. Vonsovici left the employ of Bookham.

3) On June 27, 2005, the application papers and Declaration for the above identified U.S. application was forwarded to Mr. Vonsovici for his review and signature with a letter indicating Mr. Vonsovici's failure to unconditionally cooperate and return the signed documents within 30 days of receipt of this letter would be understood as an express refusal to join in the above referenced U.S. application.

4) Mr. Vonsovici received the letter and the application papers on June 28, 2005, as evidenced by the enclosed signature receipt from the United Kingdom Post Office. The 30 days for Mr. Vonsovici to return a response expired on July 28, 2005. To date, Mr. Vonsovici has not accepted and returned the signed documents nor indicated any willingness to join in the application.

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, (35 U.S.C. § 1001) of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent resulting therefrom, declares herewith that all statements made on my own knowledge are true and that all statements made on information and belief are believed to be true.

Date: 3 August 2005

Haydn Jones  
Dr. Haydn Jones